

<b>Application Number</b> 	Application/Control No. 10/628,473	Applicant(s)/Patent under Reexamination TOGINO, TAKAYOSHI
Document Code - DISQ		Internal Document – DO NOT MAIL

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : January 14, 2008	<b>This patent is subject to a Terminal Disclaimer</b>	

**Approved/Disapproved by:**

Henry D. Jefferson

Terminal Disclaimer  
U.S. Patent Application No. 10/628,473  
Attorney's Docket: 009523-0303920

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**IN RE PATENT** Takayoshi TOGINO  
**APPLICATION OF:**  
**SERIAL NO.:** 10/628,473  
**ATTORNEY**  
**DOCKET NO.:** 009523-0303920  
**FILING DATE:** July 29, 2003  
**ART UNIT:** 2622  
**EXAMINER:** Nhan T. TRAN  
**FOR:** PORTABLE TELEPHONE WITH PHOTOTAKING OPTICAL SYSTEM, TWO-DIMENSIONAL DISPLAY AND MAGNIFYING OPTICAL SYSTEM

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**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**TERMINAL DISCLAIMER TO OBLIVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))**

**Identification of Person(s) Making This Disclaimer**

I, E. R. Hernandez, represent that I am the attorney of record.

**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

**DISCLAIMER**  
**(Provisional Obviousness-Type Double Patenting**  
**Rejection Over A Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of U.S. Patent No. 6,633,337, issued October 14, 2003, and U.S. Patent No. 5,893,037, issued April 6, 1999, as shortened by any terminal disclaimer. Petitioner

Terminal Disclaimer  
U.S. Patent Application No. 10/628,473  
Attorney's Docket: 009523-0303920

hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of U.S.

Patent Nos.:

6,633,337

5,893,037

in the event that it either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g., corporation, partnership, university, Government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Terminal Disclaimer  
U.S. Patent Application No. 10/628,473  
Attorney's Docket: 009523-0303920

**DISCLAIMER FEE (37 C.F.R. Section 1.20(d))**

Other than a small entity--fee \$130.00.

**FEE PAYMENT**

Charge Deposit Account No. 033975 the sum of \$130.00.

Date: January 14, 2008

PILLSBURY WINTHROP SHAW PITTMAN LLP  
P.O. Box 10500  
McLean, VA 22102  
Tel. No. 703.770.7788

Customer Number: 00909

  
\_\_\_\_\_  
E. R. Hernandez  
Registration No. 47,641

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**IN RE PATENT  
APPLICATION OF:** Takayoshi TOGINO  
**SERIAL NO.:** 10/628,473  
**ATTORNEY  
DOCKET NO.:** 009523-0303920  
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U.S. Patent Application No. 10/628,473  
Attorney's Docket: 009523-0303920

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Patent No.:

6,633,337

in the event that it either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Attorney's Docket: 009523-0303920

**DISCLAIMER FEE (37 C.F.R. Section 1.20(d))**

Other than a small entity--fee \$130.00.

**FEE PAYMENT**

Payment to the sum of \$130.00 was made with the filing of Terminal Disclaimer on January 14, 2008.

Date: January 15, 2008

PILLSBURY WINTHROP SHAW PITTMAN LLP  
P.O. Box 10500  
McLean, VA 22102  
Tel. No. 703.770.7788

Customer Number: 00909

  
\_\_\_\_\_  
E. R. Hernandez

Registration No. 47,641

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:	17-Jan-08	APPL. S. N:	10628473
To Examiner:	TRAN, NHAN	Art Unit	2615
From	Jefferson, Henry PARALEGAL SPCEICIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
  - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
  - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
  - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
  - The person who signed the T.D.:
    - is not an attorney "of record" (see 14.29 and 14.29.01).
    - has failed to state his/her capacity to sign for the business entity (see 14.28).
    - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
  - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
  - The T.D. is not signed (see 14.26 & 14.26.03).
  - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
  - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
  - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
  - Other: [REDACTED] 
  - Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date: